

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

INFORMATICA CORPORATION

Plaintiff,

v.

BUSINESS OBJECTS DATA
INTEGRATION, INC.,

Defendant.

No. C-02-03378 EDL

CASE MANAGEMENT AND
PRETRIAL ORDER FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 16, IT IS HEREBY ORDERED THAT the following case management and pretrial order is entered:

The technology tutorial is scheduled for January 26, 2007 at 9:00 a.m.

1. TRIAL DATE

a. Jury trial will begin on March 12, 2007 at 8:30 a.m. in Courtroom E, 15th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102. Any party who wants to order a daily transcript must notify the Court Reporter Supervisor at least two weeks before the trial.

b. The length of the trial will be not more than twenty days.

2. PRETRIAL CONFERENCE

a. A pretrial conference shall be held on February 20, 2007 at 2:00 p.m. in Courtroom E, 15th Floor. A further pretrial conference shall be held on March 6, 2007 at 2:00 p.m.

Each party shall attend personally or by lead counsel who will try the case. The timing of disclosures required by Federal Rule of Civil Procedure 26(a)(3) and other pretrial disclosures shall be governed by this order.

b. Motions in limine shall be filed and served no later than January 19, 2007.

c. **No later than February 2, 2007**, counsel and/or parties shall:

(1) Serve and file a joint pretrial statement that includes the pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3) as well as the following supplemental information:

(a) *The Action.*

(i) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.

(ii) Relief Prayed. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages.

(b) *The Factual Basis of the Action.*

(i) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.

(ii) Disputed Factual Issues. A plain and concise statement of all disputed factual issues which remain to be decided.

(iii) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

- (iv) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.
- (c) *Disputed Legal Issues.*
- Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief, citing supporting statutes and decisions, and any procedural or evidentiary issues.
- (d) *Trial Preparation.*
- (i) Witnesses to Be Called. With regard to witnesses disclosed pursuant to Federal Rule of Civil Procedure 26(a)(3)(A), a brief statement describing the substance of the testimony to be given.
- (ii) Estimate of Trial Time. An estimate of the number of hours needed for the presentation of each party's case (with a maximum of thirty-five hours per side, as previously agreed upon by the parties), indicating possible reductions in time through proposed stipulations, agreed statements of facts, or expedited means of presenting testimony and exhibits.
- (iii) Use of Discovery Responses. Designate excerpts from discovery that the parties intend to present at trial, other than solely for impeachment or rebuttal, from depositions specifying the witness with page and line references, from interrogatory answers, or from responses to requests for admission.
- (e) *Trial Alternatives.*
- (i) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.

(ii) Bifurcation, Separate Trial of Issues. A statement of whether bifurcation or a separate trial of specific issues is feasible and desired.

(f) *Miscellaneous.*

Any other subjects relevant to the trial of the action or material to its just, speedy and inexpensive determination.

- (2) Serve and file trial briefs;
- (3) Serve and file a list of each party's exhibits by number, including a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;
- (4) Exchange exhibits which shall be premarked and tabbed. Exhibits shall be three-hole punched and shall be submitted in binders. Each exhibit shall be marked on the front page or on the back of the last page with the information contained in Exhibit A to this Order; and
- (5) Deliver two sets of all premarked exhibits to chambers (exhibits are not to be filed).

No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed in its pretrial statement, exchanged with opposing counsel, and delivered to the Court, by the above deadline, without leave of the Court and for good cause.

d. **No later than January 29, 2007**, counsel and/or parties shall:

- (1) Serve and file proposed voir dire questions, jury instructions, verdict forms and excerpts from discovery that will be offered at trial (include a copy of the deposition testimony or admission). The parties shall submit proposed jury instructions **jointly**. If there are any instructions on which the parties cannot agree, those instructions may be submitted separately;
- (2) Serve and file an exhibit setting forth the qualifications and experience of each expert witness.

e. **No later than January 29, 2007**, after meeting and conferring in a good faith attempt to resolve any objections, counsel and/or parties shall serve and file: (1) any objections to non-

expert witnesses; (2) any objection to proposed voir dire questions, jury instructions and verdict forms that the parties have been unable in good faith to resolve; (3) any opposition to a motion in limine. No replies shall be filed.

f. **No later than February 2, 2007**, after meeting and conferring in a good faith attempt to resolve any objections, counsel and/or parties shall serve and file any objections to exhibits or to the use of deposition excerpts or other discovery.

g. All motions in limine and objections shall be heard at the pretrial conference.

3. JURY TRIAL

a. Counsel shall submit an agreed upon set of voir dire questions to be posed by the Court. Any voir dire questions on which counsel cannot agree may be submitted separately. Counsel shall be allowed brief follow-up voir dire after the Court's questioning.

b. The following jury instructions from the Manual of Model Civil Jury Instructions for the Ninth Circuit (2001 Edition) shall be given absent objection: 1.1 - 1.12, 2.1 - 2.2, 3.1 - 3.3, 3.5 - 3.7. Counsel shall submit **jointly** an agreed upon set of case specific instructions, using the Ninth Circuit Manual and the Model Patent Jury Instructions for the Northern District of California, where appropriate. Do not submit duplicates of those listed above. Any instructions on which counsel cannot agree may be submitted separately. Each requested instruction shall be typed in full on a separate page with citations to the authority upon which it is based and a reference to the party submitting it. A **second blind copy** of each instruction and verdict form shall also be submitted, omitting the citation to authority and the reference to the submitting party.

4. All documents filed with the Clerk of the Court shall list the civil case number followed by the initials "**EDL**." One copy shall be clearly marked as a **chambers** copy. Chambers copies shall be three-hole punched at the left side, suitable for insertion into standard binders. In addition, all proposed jury instructions, motions in limine, forms of verdict and trial briefs shall be accompanied by a diskette containing a copy of the document formatted in WordPerfect version 6.1, 7, 8, 9 or 10 (Windows) or X3 (Windows XP), and shall be emailed to EDLPO@cand.uscourts.gov.

Dated: January 25, 2007

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

PLTF / DEFT EXHIBIT
NO. _____

Date
Admitted: _____

By: _____
Lili M. Harrell, Deputy Clerk

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NORTHERN DISTRICT OF CALIFORNIA

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PLTF / DEFT EXHIBIT
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